IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL REVISION APPLICATION NO.695 OF 1987

Rev. Daniel R. Bhandare
and others .... Petitioners
Vs.
Rev. S.S. Mane and others .... Respondents

Shri U.G. Kerkar for the Petitioners.

Sarvasri P.S. Dani with S.M. Kamble
for the Respondent Nos.2 and 3.

WITH

SECOND APPEAL NO.394 OF 1987

Rev. Daniel R. Bhandare
and others .... Appellants
Vs.
Rev. S.S. Mane and others .... Respondents

Shri M.L. Patil for the Appellants.

Sarvasri P.S. Dani with S.M. Kamble
for the Respondent Nos.2 and 3.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: NOVEMBER 25, 2004

P.C:

1. The learned Advocates for the parties state that the appellant Nos.1 and 2 in the Second Appeal and the petitioner Nos.1 and 2 as well as the respondent No.2 in the Civil Revision Application are present in the Court.

2. The learned Advocates for the parties, upon instructions from their clients, state that the parties agree that by consent the impugned orders be set aside and the matter be remanded to the trial Court to dispose of the Regular Civil Suit No.85 of 1986 including the issue regarding the lack of jurisdiction raised by the parties, after giving opportunity to the parties to lead evidence, including on the point of lack of jurisdiction and with specific direction to dispose of the suit as expeditiously as possible and further till the disposal of the suit the interim arrangement, as ordered by the order dated 23-3-1988 in Civil Revision Application No.695 of 1987 be allowed to be continued.

3. Accordingly, by consent, the impugned orders are hereby quashed and set aside and the matter in Regular Civil Suit No.85 of 1986 is remanded to the trial Court to decide the suit in accordance with the provisions of law, including the issue in relation to the lack of jurisdiction and allowing the parties to lead evidence on all the issues including the said issue pertaining to jurisdiction, as expeditiously as possible and in any case on or before 31-10-2005 and to file the compliance report in that regard in this Court on or before 30-11-2005. The trial Court shall not get influenced in any manner by any of the observations made by the trial Court itself in the earlier order on the point of

jurisdiction as well as by the higher Court in that regard.

4. During the pendency of the suit, the interim arrangement under the order dated 23-3-1988 in the Civil Revision Application No.695 of 1987 to remain in force till the disposal of the suit.

5. The Registry to forthwith return the R. & P. to the trial Court.

6. The Civil Revision Application and the Second Appeal are disposed of in the above terms with no order as to costs.